

Message Text

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44

ACTION AID-05

INFO OCT-01 EA-06 ISO-00 AGR-05 EB-07 IGA-01 OMB-01 TRSE-00

SSO-00 NSCE-00 INRE-00 PM-03 NSC-05 SP-02 SS-15

CIAE-00 INR-07 NSAE-00 L-03 H-02 COME-00 DODE-00 /063 W

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O 131151Z JUN 75

FM AMEMBASSY BANGKOK

TO SECSTATE WASHDC IMMEDIATE 5676

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PASS AGRICULTURE FOR D.L. TIERNEY, PROGRAM OPERATIONS DIVISION

PASS AID SCHMEISER SER/COM

E.O. 11652: GDS

TAGS: EAID, EAGR, TH

SUBJ: PL-480 FRUSTRATED CARGOES: OWNERSHIP QUESTIONED

REF: A. STATE 120425

B. STATE 124116

C. STATE 126601

D. BANGKOK 7521

1. THE AGRICULTURAL ATTACHE IN ACCORDANCE WITH THE INSTRUCTIONS IN THE REFERENCE CABLES COMPLETED THE SALE OF THE PL-480 CARGOES ORIGINALLY DESTINED FOR SOUTH VIETNAM. INVOICES FOR THE COMMODITIES WERE ISSUED TO THE BUYERS, INSTRUCTIONS WERE GIVEN TO STATES LINES TO RELEASE THE DOCUMENTS AND THAI CUSTOMS WERE ASKED TO RELEASE THE COMMODITIES TO THE BUYERS AFTER PAYMENT OF CUSTOMS DUTIES.

2. UPON PRESENTATION OF THE PURCHASE AND SHIPPING DOCUMENTS TO THAI CUSTOMS, THE BUYERS WERE TOLD THAT THE COMMODITIES COULD NOT BE RELEASED. THE MINISTRY OF FOREIGN AFFAIRS (MFA) ISSUED INSTRUCTIONS TO THAI CUSTOMS TO HOLD THE COMMODITIES UNTIL MFA ISSUED A RELEASE. THIS WAS A NEW AND UNANTICIPATED

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DEVELOPMENT.

3. THE AGRICULTURAL ATTACHE CHECKED WITH CUSTOMS IN AN EFFORT TO DETERMINE WHY THE CARGOES WERE FROZEN. HE DETERMINED THAT AN ORDER FROM MFA TO CUSTOMS HAD BEEN RECEIVED SAYING THE GOVERNMENT OF SOUTH VIETNAM ON APRIL 30, IN A DIPLOMATIC NOTE, REQUESTED THE ROYAL THAI GOVERNMENT TO STORE AND CARE FOR THE COMMODITIES ORIGINALLY DESTINED FOR SOUTH VIETNAM.

4. ECONOMIC/COMMERCIAL COUNSELOR CONTACTED DIRECTOR GENERAL ECONOMIC AFFAIRS, MFA AND REQUESTED HIS ASSISTANCE IN OBTAINING A RELEASE OF THE CARGOES. THE DIRECTOR GENERAL RECOMMENDED TO HIS COLLEAGUES IN THE LEGAL DEPT. OF MFA THAT THE COMMODITIES BE RELEASED AND MADE AN APPOINTMENT FOR THE AGRICULTURAL ATTACHE TO MEET WITH THE DIRECTOR GENERAL, TREATY AND LEGAL DEPARTMENT, KHUN WAIKUN SAMRUATRUAMPHON SO THAT DOCUMENTS PROVING U.S. OWNERSHIP COULD BE PRESENTED.

5. THIS MEETING WAS UNSETTLING TO SAY THE LEAST. THE MFA LEGAL COUNSEL CONTENDED TITLE TO THE COMMODITIES BELONGS TO SOUTH VIETNAM. THE MFA LEGAL STAFF STATED THAT ASSETS OF ONE GOVERNMENT PASS TO THE NEXT GOVERNMENT. THE RTG HAS RECOGNIZED THE PROVISIONAL REVOLUTIONARY GOVERNMENT OF SOUTH VIETNAM. THEREFORE, MFA CONSIDERS THE CARGOES BELONG TO PRGSV.

6. THE AGRICULTURAL ATTACHE, IN HIS MEETING WITH D.G. WAIKUN PRESENTED A LETTER OUTLINING REASONS WHY USG HAS OWNERSHIP OF PL-480 COMMODITIES WITH ATTACHED COPY OF THE LETTER FROM THE OFFICE OF FOREIGN ASSETS CONTROL, REF A), AND COPIES OF THE LETTERS OF INDEMNITY TO THE PURCHASER. MFA WAS TOLD THAT THE USG HAD NEVER RELINQUISHED OWNERSHIP OF THE COMMODITIES, HAD ARRANGED STORAGE AND WAS PAYING ALL COSTS OF STORAGE AND THE DAILY CUSTOMS CHARGES. MFA LEGAL ADVISOR WOULD NOT ACCEPT THIS AS PROOF OF OWNERSHIP OF THE CARGOES. AGRICULTURAL ATTACHE ALSO NOTED THAT WHEAT WAS A PERISHABLE COMMODITY UNDER PRESENT STORAGE ARRANGEMENTS AND MUST BE SOLD AS SOON AS POSSIBLE.

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7. REQUEST IMMEDIATE REPLY GIVING LEGAL AUTHORITY UNDER INTERNATIONAL LAW FOR U.S. CLAIM TO COMMODITIES. IF PROOF IS AVAILABLE THAT OWNERSHIP WAS NOT TRANSFERRED TO GOVERNMENT OF SOUTH VIETNAM WHEN VESSELS WERE LOADED, THIS WOULD ALSO BE USEFUL IN PRESENTING OUR CASE.

8. AGRICULTURAL ATTACHE HAS ACCEPTED FIRM OFFER OF \$150

PER METRIC TON FOR WHEAT AND 40.42 CENTS PER POUND FOR COTTON. IF OWNERSHIP OF COMMODITIES CAN NOT BE PROVEN TO SATISFACTION OF MFA, AGRICULTURAL ATTACHE WILL HAVE TO RELEASE BUYERS FROM THEIR CONTRACTS.

WHITEHOUSE

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Message Attributes

Automatic Decaptoning: X
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: PL 480, RICE, MARINE CARGO, SALES, CUSTOMS SEIZURES
Control Number: n/a
Copy: SINGLE
Draft Date: 13 JUN 1975
Decapton Date: 01 JAN 1960
Decapton Note:
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: CunninFX
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975BANGKO11189
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750206-0737
From: BANGKOK
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750650/aaaabsya.tel
Line Count: 120
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION AID
Original Classification: CONFIDENTIAL
Original Handling Restrictions: n/a
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 3
Previous Channel Indicators: n/a
Previous Classification: CONFIDENTIAL
Previous Handling Restrictions: n/a
Reference: 75 STATE 120425
Review Action: RELEASED, APPROVED
Review Authority: CunninFX
Review Comment: n/a
Review Content Flags:
Review Date: 25 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <25 JUL 2003 by CunninFX>; APPROVED <20 NOV 2003 by CunninFX>
Review Markings:

Margaret P. Grafeld
Declassified/Released
US Department of State
EO Systematic Review
06 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: PL-480 FRUSTRATED CARGOES: OWNERSHIP QUESTIONED
TAGS: EAID, EPAP, TH, VS, US
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 06 JUL 2006